

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

KAY PREE,

Plaintiff,

Case No. 15-cv-10999  
Hon. Matthew F. Leitman

v.

NATIONAL UNION FIRE INSURANCE  
COMPANY OF PITTSBURGH, PA,

Defendant.

---

**ORDER DENYING MOTION TO DISMISS WITHOUT PREJUDICE AND  
TAKING UNDER ADVISEMENT ISSUE OF WHETHER TO IMPOSE  
SANCTIONS AGAINST PLAINTIFF'S COUNSEL**

On December 16, 2015, this Court entered an order requiring Plaintiff to provide certain discovery responses within fourteen days. Plaintiff failed to comply with the order, and Defendant filed a motion to dismiss for failure to make discovery. The Court held a telephonic hearing on the motion on February 3, 2015. During the hearing, counsel for Plaintiff assured the Court that Plaintiff has now provided full responses as ordered by the Court. Despite the Court's serious concerns about the repeated failure of Plaintiff's counsel to comply with orders of this Court and with the rules governing practice in this Court, the Court DENIES the motion to dismiss. Under these circumstances, the remedy of dismissal would be too harsh to Plaintiff herself. However, the Court will reconsider whether to

dismiss the action if, through later discovery, it is revealed that, contrary to the assurances of Plaintiff's counsel during the telephonic hearing, Plaintiff has not, as of this date, provided the full discovery responses ordered by the Court. Finally, the Court is taking under advisement and is continuing to consider whether to impose a monetary sanction against Plaintiff's counsel for failing to provide discovery and failing to comply with the Court's discovery orders.

**IT IS SO ORDERED.**

/s/Matthew F. Leitman

MATTHEW F. LEITMAN

UNITED STATES DISTRICT JUDGE

Dated: February 3, 2016

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on February 3, 2016, by electronic means and/or ordinary mail.

s/Holly A. Monda

Case Manager

(313) 234-5113